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Attorneys for Plaintiff Modavox, Inc., a Delaware Corporation

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

MODAVOX, INC., a Delaware
 corporation,

Plaintiff,

v.

AOL LLC, a Delaware Limited
 Liability Company; Time Warner, Inc.,
 a Delaware Corporation; Platform-A,
 Inc., a Maryland Corporation;

Defendants.

CASE NO. 09 Civ. 04299 (RWS)

NOTICE OF MOTION AND MOTION
 FOR LEAVE TO FILE SECOND
 AMENDED COMPLAINT;
 MEMORANDUM OF AUTHORITIES
 AND DECLARATION OF LISBETH
 BOSSHART, ESQ. IN SUPPORT

[F.R.C.P. 15]

Filed: September 10, 2008
 Trial: None Set

*Motion granted, no
 opposition so referred
 to Clerk TUSAS
 10.13.09*

MOTION FOR LEAVE TO FILE SECOND AMENDED
 COMPLAINT

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1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:


2 PLEASE TAKE NOTICE that on October 8, 2009, or as soon thereafter as
3 the matter may be heard, Plaintiff Modavox, Inc. ("Modavox") will move this
4 Court, before the Honorable Robert W. Sweet, at the above-referenced Court
5 located at 500 Pearl Street, New York, New York 10007, for leave to allow
6 Modavox to file a Second Amended Complaint.

7 The motion will be made pursuant to Rule 15 of the Federal Rules of Civil
8 Procedure on the ground that new facts occurring and/or discovered after Modavox
9 filed its First Amended Complaint compel Modavox to amend its First Amended
10 Complaint to accurately reflect its claims.

11 This motion will be based on this notice of motion, the memorandum of
12 points and authorities set forth below, the attached declaration of Lisbeth Bosshart,
13 Esq., the papers, records and files herein and on such oral and documentary
14 evidence as may be presented at the hearing on the motion.

15 Dated: September 2, 2009

SHAUB & WILLIAMS LLP

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18 _____
19 David R. Shaub,
20 Lisbeth Bosshart,
21 Stephen D. Morgan,
22 Attorneys for Plaintiff,
23 MODAVOX, INC.
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